

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number: 09-20523-2  
Honorable Thomas L. Ludington

MICHAEL ROBERT SZEMITES,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING  
DEFENDANT'S PLEA OF GUILTY AS TO COUNT ONE OF THE FIRST  
SUPERSEDING INDICTMENT, AND TAKING THE RULE 11 PLEA AGREEMENT  
UNDER ADVISEMENT**

A plea hearing was conducted on February 25, 2011, by United States Magistrate Judge Charles E. Binder pursuant to the defendant's consent. The magistrate judge issued his report on February 28, 2011, recommending that this Court accept the defendant's plea of guilty as to Count One the first superseding indictment. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The election to not file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. #148] is **ADOPTED**.

It is further **ORDERED** that the defendant's plea of guilty as to Count One the first superseding indictment is **ACCEPTED**, and the Rule 11 Plea Agreement [Dkt. #147] is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington

THOMAS L. LUDINGTON  
United States District Judge

Dated: April 6, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 6, 2011.

s/Tracy A. Jacobs

TRACY A. JACOBS